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Drugs—Misabeled or Misbranded—Hearing before State Board of Health. (Chap. 358, Act June 13, 1913.)

SECTION 1. Section 6 of an act entitled "An act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907, is hereby amended to read as follows:

"Sec. 6. Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale fail to bear a statement on the label of the per cent of volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon.

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false and fraudulent."

SEC. 2. Section 15 of said act is hereby amended to read as follows:

"SEC. 15. When the examination or analysis of the director of the State laboratory shows that any of the provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the board of health at which time said party or parties may be heard before the State board of health or any two members thereof and the secretary. The hearing shall be held at such times and places as may be designated by the State board of health, and at least 15 days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the State laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the secretary of the State board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled, or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded."

Cold-storage Warehouses—License Required—Inspection—Care of Foodstuffs in. (Chap. 360, Act June 13, 1913.)

SECTION 1. The term "cold storage" as used in this act shall be construed to mean a place artificially cooled to a temperature of 40° F. or below, but shall not include such a place in a private home. The term "cold stored" as used in this act shall be construed to mean the keeping of "articles of food," excepting eggs and butter, in "cold storage" for a period exceeding 30 days: *Provided, however, That when the term "cold stored" is used in connection with eggs and butter it shall mean the keeping of these "articles of food" in "cold storage" for any length of time whatever.* The term "articles of food" as used in this act shall be construed to mean and include fresh meat and fresh-meat products (except in process of manufacture), fresh fruit and vegetables, fish, shellfish, game, poultry, eggs, butter, and cheese. The term

"storer" as used in this act shall be construed to mean the person or persons who offer articles of food for cold storage.

SEC. 2. Any person, firm, or corporation desiring to operate a public cold storage or refrigerating warehouse shall make application in writing to the State board of health for that purpose, stating the location of its plant or plants. On receipt of the application the State board of health shall cause an examination to be made into the sanitary condition of said plant or plants and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the State board of health shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during a period of one year. The license shall be issued upon payment by the applicant of a license fee of \$50 to the State board of health. The secretary of the State board of health shall keep a full and correct account of all fees received under the provisions of this act, and shall at least once each month deposit all such fees collected with the State treasurer, and make a detailed report covering same to the State controller, and such moneys shall be credited to the traveling and contingent fund of the State board of health, to be used exclusively for the purposes of this act.

SEC. 3. In the event that any place or places, or any part thereof, covered by a license under the provision of this act shall at any time be deemed by the State board of health to be in an unsanitary condition, it shall be the duty of the State board of health to notify licensee of such condition and upon the failure of the licensee to put said specified place or places, or the specified part thereof, in a sanitary condition within a designated time it shall be the duty of the State board of health to prohibit the use under its license such specified place or places, or part thereof, as it deems in an unsanitary condition until such time as it may be put in a sanitary condition.

SEC. 4. It shall be the duty of any person, firm, or corporation licensed to operate a cold-storage or refrigeration warehouse to keep an accurate record of the receipts and the withdrawals of the articles of food, and the State board of health shall have free access to these records at any time. Every such person, firm, or corporation shall, furthermore, submit a quarterly report to the State board of health setting forth in itemized particulars quantity of food products held in cold storage. Such quarterly reports shall be filed on or before the 25th day of January, April, July, and October of each year, and the reports so rendered shall show the conditions existing on the first day of the month in which the report is filed. The State board of health shall have the authority to require such reports to be made at more frequent intervals than the times herein specified, if in the judgment of the State board of health more frequent reports shall be needed in the interest of a proper enforcement of this act, or for other reasons affecting the public welfare.

SEC. 5. No storer shall place in cold storage any article of food intended for human consumption if diseased, tainted, or deteriorated so as to injure its keeping qualities, or if not slaughtered, handled, and prepared for storage in accordance with the pure-food and sanitary-food laws and such rules and regulations as may be prescribed by the State board of health for the sanitary preparation of food products for cold storage under the authority hereinafter conferred. Any article of food, if intended for use other than human consumption, before being cold stored shall be marked by the owner in accordance with forms prescribed by the State board of health, under authority hereinafter conferred, in such a way as to plainly indicate the fact that such articles are not to be sold for human food.

SEC. 6. It shall be the duty of the State board of health to inspect and supervise all cold-storage or refrigerating warehouses in this State, and to make such inspection of the entry of articles of food therein as the State board of health may deem necessary to secure proper enforcement of this act. The members of the State board of health or its duly authorized agents, inspectors, or employees shall be permitted access to such establishments and all parts thereof at all reasonable times for purposes of inspection

and enforcement of the provisions of this act. The State board of health may also appoint and designate, at such salary or salaries as it may designate, such person or persons as it deems qualified to make the inspections herein required.

SEC. 7. All articles of food when deposited in cold storage shall be marked plainly on or in connection with the containers in which they are packed on the individual article with the date of receipt, and when removed from cold storage shall be marked with the date of withdrawal, in accordance with such forms as may be prescribed by the State board of health under the authority hereinafter conferred.

SEC. 8. No person, firm, or corporation as owners, or having control, shall keep in cold storage any article of food for a longer period than 12 calendar months, except with the consent of the State board of health, as hereinafter provided. The State board of health shall, upon application, grant permission to extend the period of storage beyond 12 months for a particular consignment of goods if the goods in question are found, upon examination, to be in proper condition for further storage at the end of 12 months. The length of time for which further storage is allowed shall be specified in the order granting the permission. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the State board of health, the kind and the amount of goods for which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the State board of health.

SEC. 9. It shall be unlawful to sell, or to offer or expose for sale, uncooked articles of food which have been cold stored without notifying persons purchasing, or intending to purchase, the same that they have been kept in cold storage by the display, in a conspicuous place and upon the articles of food, of a sign marked "These are cold stored goods," in type at least 2 inches high; and it shall be unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage.

SEC. 10. It shall be unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers, but nothing in this section shall be construed to prevent the transfer of goods from one cold storage or refrigerating warehouse to another: *Provided*, That such transfer is not made for the purpose of evading any provision of this act.

SEC. 11. The State board of health may make rules and regulations to secure a proper enforcement of the provisions of this act, including rules and regulations with respect to the sanitary preparations of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs, and the violation of such rules shall be punished on conviction, as provided in section 12 of this act.

SEC. 12. Any person, firm, or corporation violating any of the provisions of this act shall, upon conviction, be punished for the first offense by a fine not exceeding \$500, and for the second offense by a fine not exceeding \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.